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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/402,034 02/01/00 ISHIKAWA

Y 38 15/87

EXAMINER

WM02/1004

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DAVIS, T

ART UNIT

PAPER NUMBER

2681

DATE MAILED:

10/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/402,034

Applicant(s)
Ishikawa et al.

Examiner
Temica M. Davis

Art Unit
2681



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Feb 1, 2000

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-5 is/are pending in the application

4a) Of the above, claim(s) _____ is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-5 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other: _____

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DETAILED ACTION

Drawings

1. The drawings are objected to because in figure 4, step S4, "form" should read --from--.
Correction is required.

~~Claim Objections~~

See 112 rejection below

- ~~2. Claim 2 is objected to because of the following informalities: In line 24, "the particular radio base station" should read --a particular base station--. Appropriate correction is required.~~

TMD

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 recites the limitation "the particular radio base station" in line 6, the limitation "remaining radio base stations" in line 8, and the limitation "the threshold value" in line 9. There is insufficient antecedent basis for these limitations in the claim.

Claim 2 recites the limitation "the particular radio base station" in line 24, and the limitation "remaining radio base stations" in line 8. There is insufficient antecedent basis for these limitations in the claim.

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Claim 3 recites the limitation "remaining radio base stations" in lines 18-19. There is insufficient antecedent basis for this limitation in the claim.

Further, claims 1 and 2 discuss reading information from a channel for use in deciding if the channel is available (see claim 1, lines 6-17 and claim 2, page 23, line 24-page 25, line 10).

However, the claims later say that the decision is based on finding an available "traffic channel" (see claim 1, lines 18-19 and claim 2, page 24, lines 10-11). Clarification is needed in the claims to determine if the "the traffic channel" is the same as "the channel".

Allowable Subject Matter

5. Claims 1-5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

6. The following is a statement of reasons for the indication of allowable subject matter:

The present invention comprises a traffic channel selecting method in a mobile communications system in which a propagation loss is calculated between a base station and each of remaining base stations. The closest prior art Chang et al (U.S. Patent No. 5,956,638) shows a similar system in which a radio port sets a threshold interference level, and determines if a channel is available based on detecting interferences from other channels, and if the detected interference is above the interference threshold level, it abandons the channel it is monitoring.

However, Chang fails to disclose making a decision on channel availability by comparing

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a received level measured in a channel with a threshold value that has been corrected based on the power level transmitted from other channels. Chang also fails to disclose deciding if a channel is available based on a received level measured and a transmission power value read.

These distinct features are in the independent claims and renders the present invention allowable.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Duque-Anton et al, U.S. Patent No. 5,475,868, discloses a cellular radio system having channel evaluation and optimal channel selection via trial use of non-assigned channels.

Koohgoli et al, U.S. Patent No. 5,497,505, discloses a call set-up and spectrum sharing in radio communication on systems with dynamic channel allocation.

Larsson et al, U.S. Patent No. 5,956,642, discloses an adaptive channel allocation method and apparatus for multi-slot, multi-carrier communication system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 8:30 am to 6:00 pm. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 customer service whose telephone number is (703)306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for any communications intended for entry).

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).



Temica M. Davis

October 1, 2001



DWAYNE BOST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

10-1-01